

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

SEP 14 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Administration of the North)
American Numbering Plan)

CC Docket No. 92-237

DOCKET FILE COPY ORIGINAL

**APPLICATION OF THE
AMERICAN PUBLIC COMMUNICATIONS COUNCIL
FOR MEMBERSHIP ON THE NORTH AMERICAN NUMBERING COUNCIL**

The American Public Communications Council ("APCC") hereby applies for membership on the North American Numbering Council.

A. Name, Title, and Description of Interests

The American Public Communications Council, Inc. ("APCC") is a trade association made up of more than 1,000 independent (non-telephone company) providers of pay telephone and public communications equipment, services, and facilities. APCC seeks to promote competitive markets and high standards of service for pay telephones and public communications. APCC represents the interests of independent public payphone providers, currently some 15% of the pay telephone market, who compete with each other and with the payphone services offered by local exchange carriers ("LECs").¹

¹ The Commission's Public Notice requests applications from "entities". Therefore, this application seeks membership for APCC rather than for a particular individual representing APCC. When APCC has designated an individual representative, we will provide information about that individual to the Commission.

No. of Copies rec'd
List ABCDE

014

B. Mail Address, Telephone Number, Facsimile Number

American Public Communications Council
10306 Eaton Place
Suite 520
Fairfax, VA 22030
(TEL) 703-385-5300
(FAX) 703-385-5301

C. Authorization to Represent IPP Providers

More than 1,000 IPP providers are members of APCC. A copy of APCC's Articles of Incorporation are enclosed.

APCC has actively participated in the Commission's proceedings on numbering issues. APCC filed comments and reply comments pursuant to the Commission's Notice of Inquiry, 7 FCC Rcd 6837 (1992), and additional comments and reply comments in response to the Commission's Notice of Proposed Rulemaking, 9 FCC Rcd 2068 (1994). APCC's filings addressed issues concerning Feature Group D expansion, uniform dialing plans, assignment of a new numbering plan administrator, policy making and dispute resolution, and funding for NANP administration. APCC also has participated in the Commission's rulemaking proceedings on N11 codes. Use of N11 and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, Notice of Proposed Rulemaking, 7 FCC Rcd 3004 (1992).

D. Reasons Why APCC Is an Interested Party

Changes in the North American Numbering Plan ("NANP") often

¹(...continued)
information about that individual to the Commission.

have a major impact on IPP providers' ability to provide high quality service to the public. In addition, some numbering plan changes can affect the ability of APCC members to comply with legal obligations under federal or state law. Examples of numbering plan changes which affect IPP providers include:

(1) The change to "interchangeable" area codes (requiring wholesale modification of payphone software).

(2) Expansion of "equal access" codes from three digits (10XXX) to four digits (101XXXX) (requiring wholesale modification of payphone software in order to comply with statutory and regulatory "unblocking" requirements).

(3) Introduction of new numbering formats for various purposes, including "N11," "555-XXXX," "500-NXX-XXXX," and numerous others. For example, an "N11" or "555-XXXX" format might be treated as a free call in some areas, a direct-billed long distance call in others, and a direct-billed 900-style information service in still others. Such variations directly affect IPP providers, who must ensure that their payphones are correctly programmed to appropriately bill end users for payphone calls and that their payphone lines are not billed for calls for which they are unable to bill end users.

(4) Introduction of new billing options (e.g., "calling party pays" on cellular calls, or direct-billed 800 numbers like 1-800-CALLINFO) can create a serious threat of billing IPPs for fraudulent/unauthorized calling originating from payphones unless a consensus numbering format is established in advance. In the

payphone context, the absence of nationwide uniformity and predictability of billing can mean greatly increased software and programming costs, and a greater risk of programming glitches that add more costs and consumer frustration.

Further, within the payphone industry, NANP changes affect IPPs differently from telephone company payphones for several reasons. First, IPPs are "instrument-implemented": for IPP providers, numbering and dialing plan changes require software modifications within the payphone itself, while for LECs, modifications affecting their payphones are usually made in the same central office switches that serve other customers.

Second, IPP providers are uniquely vulnerable to NANP changes that reduce payphones' protection from fraudulent or unauthorized calls. See generally Policies and Rules Concerning Toll Fraud, Notice of Proposed Rulemaking, CC Docket No. 93-292, FCC 93-496, released December 2, 1993, and the comments of APCC and others filed in that proceeding.

Third, IPP providers are exposed to discrimination vis-a-vis their LEC competitors in the assignment of numbers. For example, one fraud prevention measure which has been discussed in industry forums is the assignment of 8000 and 9000 series telephone numbers to payphones. It is believed that assignment of specific kinds of numbers to payphones would assist in the prevention of fraudulent incoming international collect calls, by alerting overseas PTTs that certain numbers are associated with payphones and should not be used for collect calling. APCC members are concerned that bias

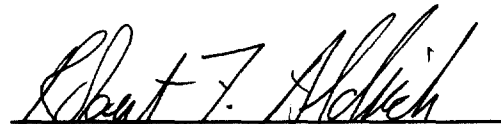
in number assignment practices may prevent them from being treated fairly in the assignment of such numbers.

In summary, APCC represents an industry sector with unusual vulnerability to numbering plan changes, and with a particularly strong interest in ensuring stability in the introduction of new numbering formats and efficiency and fairness in the assignment and conservation of numbers.

E. Commitment to Participate

APCC hereby commits that it will participate actively and in good faith in the objectives of the Council.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert F. Aldrich", is written over a horizontal line.

Albert H. Kramer
Robert F. Aldrich

Keck, Mahin & Cate
1201 New York Avenue, N.W.
Penthouse Suite
Washington, DC 20005
(202) 789-3400

Attorneys for the American
Public Communications Council

September 14, 1995

ATTACHMENT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS REGULATION ADMINISTRATION



C E R T I F I C A T E

THIS IS TO CERTIFY that all applicable provisions of the DISTRICT
OF COLUMBIA NONPROFIT CORPORATION ACT have been complied with and
accordingly, this CERTIFICATE of AMENDMENT is hereby issued to
AMERICAN PUBLIC COMMUNICATIONS COUNCIL, INC.

as of MARCH 30TH , 1994 .

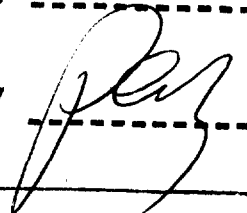
Hampton Cross
Acting Director

Barry K. Campbell
Administrator
Business Regulation Administration

Assistant 
Patricia E. Grays
Superintendent of Corporations
Corporations Division

Sharon Pratt Kelly
Mayor

ARTICLES OF AMENDMENT
TO THE ARTICLES OF INCORPORATION
AMERICAN PUBLIC COMMUNICATIONS COUNCIL, INC.

FILED MAR 30 1994
BY 

BY UNANIMOUS CONSENT of all of the members of the Board of Directors of the American Public Communications Council, Inc., a District of Columbia nonprofit corporation, at a special meeting of the Board of Directors duly called on this 28th day of March, 1994, the Articles of Incorporation of said Corporation are hereby amended as follows, such amendment to be effective upon filing:

1. Article VII of the Articles of Incorporation is amended by striking the entire Article and replacing it with the following new Article:

ARTICLE VII
DIRECTORS

The number of Directors constituting the Board of Directors is Fifteen (15), unless otherwise provided in the Bylaws. The Bylaws may provide that Directors shall be divided into classes, with an election for different classes occurring in different years in the manner provided in the Bylaws. The Bylaws may also divide the membership into regions, and provide that each region shall be entitled to elect one or more Directors in the manner provided in the Bylaws. The Bylaws may also provide that the remaining directors, if any, shall be elected by the membership at large, or by the Board of Directors, or as otherwise provided in the Bylaws.

The names and addresses of the persons who are to serve as directors until the first annual meeting of the directors or until their successors are selected and qualified are:

Jeffrey Hanft
8041 Northwest 14th Street
Miami, FL 33125

Richard DeWitt
100 Hartsfield Center
Suite 400
Atlanta, GA 30354

Randy Smith
2000 M Street NW
Suite 550
Washington, DC 20036

2. Article VIII of the Articles of Incorporation is amended by striking the entire Article and replacing it with the following new Article:

ARTICLE VIII
MEMBERS

The Corporation shall have one or more classes of members, as set forth in the Bylaws. The manner of election or appointment, qualifications, and rights of each class of members shall be as set forth in the Bylaws. To the extent set forth in the Bylaws, members of the Corporation shall be entitled to vote for the Directors of the Corporation.

3. The Articles of Incorporation are further amended by appending thereto the following to Article XII:


ARTICLE XII
AMENDMENT

These Articles of Incorporation may be amended upon (1) a resolution of the Board of Directors approving such amendment and directing that it be submitted to a vote of the members having voting rights at an annual or special meeting of the members; (2) written notice, delivered in accordance with the Bylaws, to the members entitled to vote that such amendment will be considered at such annual or special meeting of the members; and (3) the affirmative vote of two-thirds of the members present and voting, or represented by proxy, at such annual or special meeting of the members.

I, Richard DeWitt, certify that I am the President of the American Public Communications Council, Inc., and that the foregoing Amendment to the Articles of Incorporation of the American Public Communications Council, Inc. was duly adopted by a majority of the members of the Board of Directors of the American Public Communications Council, Inc., at a meeting duly called for this purpose on this 28th day of March, 1994.

Attest:

AMERICAN PUBLIC COMMUNICATIONS
COUNCIL, INC.


Secretary


Richard DeWitt, President

[Corporate Seal]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS REGULATION ADMINISTRATION




C E R T I F I C A T E

THIS IS TO CERTIFY that all applicable provisions of the DISTRICT
OF COLUMBIA NONPROFIT CORPORATION ACT have been complied with and
accordingly, this CERTIFICATE of INCORPORATION is hereby issued to
AMERICAN PUBLIC COMMUNICATIONS COUNCIL, INC.

as of MAY 29TH , 1992 .

Barbara E. Brown
Acting Director

James E. Kerr
Administrator
Business Regulation Administration


Assistant Vandy L. Jamison, Jr
Superintendent of Corporations
Corporations Division

Sharon Pratt Kelly
Mayor

ARTICLES OF INCORPORATION
AMERICAN PUBLIC COMMUNICATIONS COUNCIL, INC.

We, the undersigned natural persons of the age of eighteen (18) years or more, acting as incorporators of a corporation under the provisions of the District of Columbia Nonprofit Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation:

ARTICLE I

NAME

The name of the Corporation is "American Public Communications Council, Inc."

ARTICLE II

NON-PROFIT CORPORATION

The Corporation will be a non-profit corporation.

ARTICLE III

PERIOD OF DURATION

The period of duration is perpetual or until dissolved or merged or consolidated in some lawful manner.

ARTICLE IV

PURPOSES

The primary purposes for which the Corporation is organized are as follows:

1. To establish an organization to effectively represent the interests of the public communications industry in an integrated telecommunications system, to provide optimum choices for the users of the public communications system or any segment of that system, and to improve throughout the United States the high

quality of public communications that is enjoyed by the public today.

2. To establish an organization that will effectively represent the public communications industry in its relationship with state and federal regulatory agencies, in its relationship with telecommunications companies, and in its relationship with the consumer public, in order to coordinate and expedite resolution of business, technical and legal issues that will necessarily accompany and grow with the public communications industry;

3. To better apprise public communications companies regarding their duties and responsibilities to the public communications industry as a whole and to the consumer public;

4. To establish a medium through which appropriate governmental agencies, public communications companies, and other interested parties may seek or disseminate information regarding all phases of the industry;

5. To establish effective relationships between public communications companies and all appropriate governmental agencies and interested parties so as to effectuate smooth and coordinated services to users; and

6. To take any and all such actions as shall be determined to be in the best interests of the public communications industry.

ARTICLE V

POWERS

The Corporation shall have the power to take any action that is permitted under the District of Columbia Nonprofit Corporations Act.

ARTICLE VI

REGISTERED OFFICE AND AGENT

The initial registered office of the Corporation shall be at 1201 New York Avenue NW, Penthouse, Washington, DC 20005. The name of its initial registered agent at such address is Albert H. Kramer.

ARTICLE VII

DIRECTORS

The number of directors constituting the Board of Directors is three (3), unless otherwise provided in the bylaws. The names and addresses of the persons who are to serve as directors until the first annual meeting of the directors or until their successors are selected and qualified are:

Jeffrey Hanft
8041 Northwest 14th Street
Miami, FL 33125

Richard DeWitt
100 Hartsfield Center
Suite 400
Atlanta, GA 30354

Randy Smith
2000 M Street NW
Suite 550
Washington, DC 20036

The manner of the election of the directors shall be as provided in the bylaws.

ARTICLE VIII

MEMBERS

The corporation shall have no members.

ARTICLE IX

INDEMNIFICATION

To the maximum extent permitted by law, the Corporation shall indemnify and hold harmless all present or former directors and officers of the Corporation, or any person who may have served at the Corporation's request as a director or officer of any other corporation, whether for profit or not for profit, against expenses actually and necessarily incurred by him in connection with the defense of any action, suit, or proceeding in which he is made a party by reason of being or having been such an officer or director, except in relation to matters as to which he shall be adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of a duty. The indemnification provided in this Article shall not be deemed exclusive of any other rights to which such director or officer may be entitled, under any bylaw, agreement, vote of the board of directors, or otherwise.

ARTICLE X

PROVISIONS UPON DISSOLUTION

The Corporation may dissolve and wind up its affairs upon the affirmative vote of a majority of the Directors in office, and a filing of articles of dissolution in the manner prescribed under the laws of the District of Columbia. Upon dissolution of the Corporation, the Corporation shall discharge all of its liabilities and obligations, and the net assets remaining thereafter, if any, shall be transferred or conveyed to one or more domestic or foreign non-profit corporations, societies, or similar organizations engaged in activities of similar nature to those of the Corporation, all as specified by the Board of Directors in a plan of distribution.

ARTICLE XI

INCORPORATORS

The names and addresses of the incorporators are:

Albert H. Kramer
2508 Cliffbourne Place N.W.
Washington, DC 20009

Luis L. Granados
236 11th Street S.E.
Washington, DC 20003

Alan W. Tolsma
2102 Randolph Road #104
Wheaton, MD 20902

IN WITNESS WHEREOF, we hereunto set our hands, this 29th day
of May, 1992.

WITNESSES:

Carl J. Bump
Carl J. Bump
Carl J. Bump

Albert Kramer
ALBERT H. KRAMER

Luis L. Granados
LUIS L. GRANADOS

Alan W. Tolsma
ALAN W. TOLSMA

CITY OF WASHINGTON
DISTRICT OF COLUMBIA, to-wit:

On this 29th day of May, 1992, before me personally appeared Albert H. Kramer, known to me to be the person whose signature appears in the foregoing instrument and acknowledges the same to his act and deed.

IN WITNESS WHEREOF I hereunto set my hand and official seal.


Notary Public

My Commission expires: July 31, 1993

CITY OF WASHINGTON
DISTRICT OF COLUMBIA, to-wit:

On this 29th day of May, 1992, before me personally appeared Luis L. Granados, known to me to be the person whose signature appears in the foregoing instrument and acknowledges the same to his act and deed.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

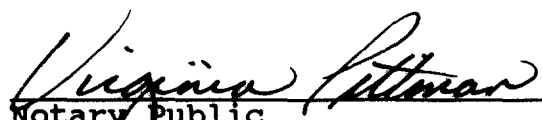

Notary Public

My Commission expires: July 31, 1993

CITY OF WASHINGTON
DISTRICT OF COLUMBIA, to-wit:

On this 29th day of May, 1992, before me personally appeared Alan W. Tolsma, known to me to be the person whose signature appears in the foregoing instrument and acknowledges the same to his act and deed.

IN WITNESS WHEREOF I hereunto set my hand and official seal.


Notary Public

My Commission Expires July 31, 1993